

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

Case Number:

V.

RYAN THOMAS SANDOVAL

12-MJ-178 ASO

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about , in Hennepin County, in the State and District of Minnesota, defendant(s)

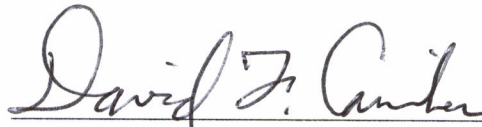
made false and fictitious written statements to a licensed firearms dealer, which statements were intended and likely to deceive the dealer, as to a fact material to the lawfulness of such acquisition of the said firearm,

in violation of Title 18, United States Code, Section(s) 922(a)(6).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

David F. Carriker

ATF

Sworn to before me, and subscribed in my presence,

Date

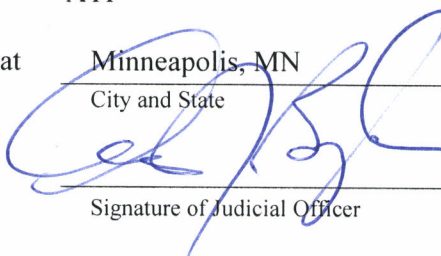
The Honorable Arthur J. Boylan
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

at

Minneapolis, MN

City and State



Signature of Judicial Officer

SCANNED

APR 16 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss. AFFIDAVIT OF DAVID F. CARRIKER

Special Agent David F. Carriker, being duly sworn, states the following:

INTRODUCTION

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives, and have been so employed for approximately six years, and in that capacity I have participated in numerous investigations relating to illegal firearms transactions and illegal firearms trafficking. My responsibilities include but are not limited to investigating firearms violations under Title 18 of the United States Code. I successfully completed the Criminal Investigations Training Program (CITP) and the Special Agent Basic Training (SABT) Program at the Federal Law Enforcement Training Center (FLETC). I have participated in numerous investigations which resulted in the arrests, searches, seizures and convictions of persons for federal firearms violations.

2. The facts and information contained in this affidavit are based upon my personal knowledge and the investigation and observations of other officers and agents involved in the investigation. All observations referenced below that were not personally made by me were related to me by the persons who made such observations. This affidavit contains information necessary to support probable cause. It is not intended to include each and every fact and matter observed by me or known to the government.

Purpose of Affidavit and Premises to Be Searched

3. This affidavit is submitted in support of a warrant for the arrest of RYAN THOMAS SANDOVAL and a search warrant for RYAN THOMAS SANDOVAL's residence in the

District of Minnesota, specifically the following:

The real property and premises known as 5642 Emerson Avenue North, in Brooklyn Center, Minnesota, and all associated garages and storage areas located thereon. The property is a single family multi-level house with light-colored to white siding and green trim. The house has a front yard with steps leading up to a front entrance that faces south. This is a residence presently used by RYAN THOMAS SANDOVAL.

Knowledge About Illegal Firearms Transactions

4. Based on my training, experience and participation in this and other investigations involving illegal firearms transactions, as well as laundering of proceeds from those transactions,

I know that:

- a. Persons who illegally purchase firearms typically use two methods. These methods are commonly referred to as "straw purchasing" or "lying and buying."
- b. Based on training and experience, persons conducting illegal firearms purchases typically engage in several identifiable actions. These methods include repeated purchases with cash and purchases from different licensed firearms vendors.
- c. Firearms traffickers often place assets in names other than their own to conceal these assets from law enforcement officials and to launder money.
- d. Firearms traffickers often place assets in the names of business and corporate entities to conceal these assets from law enforcement officials and to launder money. Businesses, even those involved in firearms trafficking, maintain records, including written and electronic records stored on computer disks and hard drives. These records are typically located at the respective businesses and places of operation, but may also be kept and maintained at the residences of those involved.
- e. Firearms traffickers often must maintain and have quick access to large amounts of currency or other liquid assets and large caches of drugs to maintain their ongoing drug business. In addition to currency, firearms traffickers commonly maintain other assets, such as precious metals, jewelry, financial instruments (including stocks, bonds, etc.), and other property derived from the proceeds of drug trafficking related activities. Oftentimes this currency, these assets, and evidence relating to such currency and assets, are stored at their residences, businesses, and other places of operation. Sometimes they carry the cash and drugs on themselves and in their vehicles.
- f. In their residences, businesses, and places of operation, firearms traffickers often maintain computerized and/or written books, records, receipts, diaries, notes, ledgers, travel documents, correspondence, handwritten notes, cashier's checks and other papers

relating to the transportation and sale of firearms. Oftentimes, those involved in illegal firearms sales-related offenses also keep such evidence and documents on their persons and/or in their vehicles.

g. Persons who lie and buy or straw purchase commonly keep written records, including documents with phone numbers of associates and customers, information regarding firearms sold or transported, assets, account numbers, and other information enables traffickers to conduct their business. The names, addresses and telephone numbers of illegal firearms customers and coconspirators are also commonly included in these records. Evidence of the activities noted in this paragraph are often located inside vehicles used by firearms traffickers and/or inside vehicles kept at their residences, businesses, and places of operation. In addition, such evidence is also commonly kept on the person, at the residences, businesses, and/or places of operation, of those involved.

h. Persons who conduct illegal firearms purchases commonly have firearms and other weapons of their own, readily available to protect their money and evidence of their crimes. It is common for firearms traffickers to keep these firearms and other weapons on their person, in their vehicles, or in their residences, businesses and/or places of operation.

i. Persons who conduct illegal firearms purchases often have photographs or videos of themselves, their coconspirators, and property/assets purchased with illegal firearms sales proceeds. These are normally kept at their residences, businesses, and/or places of operation. Sometimes they carry these on themselves and in their vehicles.

j. It is common for persons who conduct illegal firearms purchases to accumulate and maintain firearms and ammunition to be used in later sales. These items are commonly kept at their residences, businesses, and places of operation. Sometimes, those involved in illegal firearms purchases also carry firearms and/or ammunition on their person and transport these items in their vehicles. Firearms and ammunition are also commonly stored inside of safes, lock boxes, and/or other containers. These containers are also typically kept at the residences, businesses, or places of operation.

k. The conduct of illegal firearms transactions is a very mobile business, and it is necessary for persons involved to be available at any time on short notice. Therefore, it is common for firearms traffickers to use electronic communication devices such as cellular telephones, pagers, both numeric and two-way, and computers so that they can conduct their business at virtually any time without unnecessary delay. I know that these devices are usually found on or in very close proximity to these persons and that such electronic devices are capable of storing information such as phone numbers and/or coded messages which may lead to the identity of codefendants, coconspirators, and/or dealers of firearms. Cellular phones, phone records, device purchase agreements and other related documents related to the ownership are normally kept at their residences, businesses, and/or places of operation. Sometimes firearms traffickers carry these documents on themselves and in their vehicles. It is also common for firearms traffickers keep their

electronic communication devices and cellular telephones in close proximity to themselves, on their person, in their vehicles, or in their residences. Cellular telephones, in addition to being communication devices, are also storage devices for data. Data electronically stored inside cellular telephones include telephone numbers of associates, logs of the date and time that individual calls were made, voice and text messages from associates and photographs of the primary user, family members and associates. The data inside cellular telephones is evidence of firearms trafficking, demonstrates true ownership and control of the telephones, which are often registered to another person, and can be effectively used to corroborate the statements of witnesses.

l. Due to the volume of persons contacted during illegal firearms dealings, it is often necessary for information needed to make these contacts to be recorded in these notebooks, ledgers, or address books, which are also usually close by and readily available to persons involved. It is common that the firearms traffickers keep these notebooks, ledgers, and/or notes on their persons, in their vehicles, or in their residences, businesses, and/or places of operation.

m. It is common for firearms traffickers to make currency expenditures with the proceeds from their dealings. The receipts, invoices and/or records for the currency expenditures are normally found on their persons, in their vehicles, or in their residences, businesses, and/or places of operation.

n. It is common for those involved in illegal firearms trafficking to maintain records related to the transportation of currency, firearms and/or ammunition, such as travel itineraries, plane tickets, boarding passes, motel and hotel receipts, passports and visas, credit card receipts, telephone bills, rental car receipts, maps, directions, and other papers relating to their efforts to illegally purchase and then sell firearms. These documents may be stored conventionally in some documentary form or as electronic data in one or more storage devices (e.g. computers, hard drives, memory storage devices, PDA's, etc.). Such documentary and electronic data, especially the data stored on lap top and desk top computers, computer and storage disks, and hard drives, is typically maintained at the residences, businesses, or places of operation of those involved in drug trafficking activities. In addition, such evidence is also typically kept on their persons and in their vehicles.

o. It is common for those involved in illegal firearms trafficking to maintain indicia of occupancy, use, residency, and/or ownership of the premises. This indicia may include utility bills, telephone and cable bills, envelopes or other mailings, keys, leases and rental information, mortgage documents, etc. Such indicia is useful to support knowledge, possession, and/or other elements of firearms trafficking offenses. Such indicia is often maintained in the residences, businesses, or places of operation of those involved in illegal firearms trafficking activities. In addition, such indicia is often kept on the person or inside the vehicles used by and located at the residences, businesses, and places of operation of those involved in illegal firearms trafficking activities.

p. Based on my experience and training, I know that firearms traffickers often use coded language to describe firearms, ammunition, money, and locations. The use of coded language and slang terms by firearms traffickers is a common method of avoiding detection by law enforcement officers. This is particularly true in telephone and text conversations, as traffickers commonly fear monitoring by law enforcement. I have listened to and observed recorded telephone and text conversations in other investigations. I am able to discern when firearms traffickers are using coded language to describe criminal activity based on my experience, training, and the context in which the conversation occurs.

q. Firearms traffickers often use intermediaries, such as couriers and drivers, to store drugs or conduct transactions. These methods are used to attempt to insulate drug traffickers from the risk of detection and apprehension by law enforcement.

SPECIFIC FACTS SUPPORTING PROBABLE CAUSE

5. The ATF regulates the firearm industry. As part of that regulatory regime, the ATF issues licenses to business and individuals which authorize them to sell firearms for profit. Pursuant to 18 U.S.C. § 923, only a Federal Firearms Licensee ("FFL") is permitted to sell firearms as a business.

6. Pursuant to 18 U.S.C. § 922(a)(1), it is unlawful for any person "except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms...". Pursuant to 18 U.S.C. § 921(a)(11)(A), the term "dealer" means any person engaged in the business of selling firearms at wholesale or retail. Pursuant to 18 U.S.C. § 921(a)(21)(c), the term "engaged in the business" means a person who devotes time, attention, and labor to dealing in firearms with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms."

7. Pursuant to 18 U.S.C. § 922(a)(6), it is unlawful for any person "in connection with the acquisition or attempted acquisition of any firearm or ammunition" from an FFL or other legitimate firearms dealer by knowingly making "any false or fictitious oral or written statement

or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive” the firearm seller “with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition[.]” This illegal practice also known as “lying and buying.”

8. On or about August 5, 2011, concerned citizen and federal firearms dealer M.K. informed the ATF that SANDOVAL was recently conducting or attempting to conduct illegal firearms purchases. More specifically, M.K. dealer shared that on or about July 26, 2011, SANDOVAL entered M.K.’s licensed dealership, located on Chicago Avenue in Minneapolis, Minnesota, with three unidentified black males. Together they selected two weapons, including one (1) Glock Model 23 .40 caliber handgun, serial number RTS043 and one (1) Kel-Tec 9mm Model PF9, serial number RZ683. One of the unidentified black males asked M.K. if he could purchase a firearm and “off the books.” After an argument between the black male and M.K., SANDOVAL told the black male to “stop being stupid” and instructed the black male to leave. SANDOVAL then purchased both firearms described above.

9. M.K. also informed the ATF that at approximately 2:05 p.m. on July 30, 2011, three unidentified black males came into M.K.’s licensed dealership to look at a Glock Model 27 .40 caliber handgun. One of the unidentified black males inquired as to whether M.K. could sell two (2) such .40 caliber handguns; the cost of two (2) high capacity magazines for such a Glock model; the cost of four (4) boxes of .40 caliber ammunition; as well as when the store closed. M.K. confirmed that two (2) such .40 caliber weapons were available for sale; the cost of two high capacity magazines; and that the store would close by 3:00 p.m. that day. The unidentified black males then left the licensed firearms dealership.

10. Approximately ten (10) minutes later, SANDOVAL entered the licensed firearm

dealership. SANDOVAL requested two (2) .40 caliber Glock Model 27 handguns; two (2) high capacity magazines for those weapons; and four (4) boxes of .40 caliber ammunition. ATF later learned that SANDOVAL paid for these items in cash.

11. After learning these facts, ATF began an investigation regarding SANDOVAL's firearms purchases, and learned that SANDOVAL acquired at least 21 firearms since February 24, 2008. Each of these purchases were for handguns, and more recently included but were not limited to the following purchases from federally licensed firearms dealers:

- a. On or about May 5, 2011, SANDOVAL purchased one (1) Tressitu 9mm Model TZ99 pistol, serial number T003007, and one (1) Zastava 9mm pistol, serial number ZA0901418, Metro Pawn & Gun, located in Richfield, Minnesota;
- b. On July 26, 2011, SANDOVAL purchased one (1) Glock .40 caliber Model 23 pistol, serial number RTS043, and one (1) Keltec 9 mm Model PF9 pistol, serial number RZ683, from Koscielski's, located in Minneapolis, Minnesota;
- c. On July 30, 2011, SANDOVAL purchased one (1) Glock .40 caliber Model 27 pistol, serial number RUD179, and one (1) Glock .40 caliber Model 27 pistol, serial number RUD009, from Koscielski's, located in Minneapolis, Minnesota; and
- d. On August 8, 2011, SANDOVAL purchased one (1) Ruger 9 mm Model P89, serial number 307-07790, from the Frontiersman, located in St. Louis Park, Minnesota

12. On August 9, 2011, law enforcement officers went to SANDOVAL's apartment, then

located at 2222 Harriet Avenue, in Minneapolis, Minnesota. Law enforcement encountered SANDOVAL and informed him he was not under arrest. SANDOVAL engaged in a non-custodial interview with law enforcement in front of the apartment complex. SANDOVAL discussed his firearms purchases in detail. SANDOVAL ultimately admitted purchasing firearms from Koscielski's on July 26, 2011, and July 30, 2011. SANDOVAL admitted that these weapons were purchased for other persons, including persons that he did not know. SANDOVAL also admitted making a similar purchase from the Frontiersman the day before.

13. During the interview, SANDOVAL went alone into his apartment to retrieve documentation regarding these purchases. Investigators showed SANDOVAL copies of ATF Form 4473 from the July 30, 2011, Glock purchases from Koscielski's. SANDOVAL admitted that he lied when he stated that he "was the actual transferee/buyer of the firearm(s) listed on this form?"

14. After the interview, law enforcement attempted to work with SANDOVAL as a confidential informant. SANDOVAL demonstrated on numerous occasions his ability to contact persons by phone or text communication, including persons who wanted SANDOVAL to purchase weapons for them. Law enforcement also flatly counseled SANDOVAL to not purchase firearms or ammunition for others. On multiple occasions in August and September, 2011, SANDOVAL acknowledged his illegal firearms conduct. This included a meeting with law enforcement at the United States Attorney's Office.

15. By December 6, 2011, separate investigations demonstrated SANDOVAL was involved in other criminal activities, including but not limited to drug trafficking and property crimes. On that date, law enforcement executed a search warrant at 2222 Harriet Avenue in relation to at least some of that activity. Afterward, ATF terminated their attempts to cultivate SANDOVAL

as a confidential informant.

16. Additional investigation demonstrates that SANDOVAL has continued his illegal firearms purchases. SANDOVAL recently made the following purchases with cash from federally licensed dealers:


- a. On or about February 2, 2012, SANDOVAL purchased one (1) Smith & Wesson Hi-Point Model 40 .40 caliber handgun for approximately \$203;
- b. On or about February 27, 2012, SANDOVAL purchased one (1) Glock Model 36 .45 caliber handgun for approximately \$665;
- c. On or about March 12, 2012, SANDOVAL purchased one (1) Taurus Model 24/7 .45 caliber handgun for approximately \$300; and
- d. On or about April 1, 2012, SANDOVAL purchased one (1) Glock Model SF 10 mm handgun and one (1) Glock Model 32 .35 caliber handgun for approximately \$1,113;

17. SANDOVAL executed an ATF Form 4473 during the course of each of these purchases, wherein he represented that he was the actual transferee or buyer of the firearms.

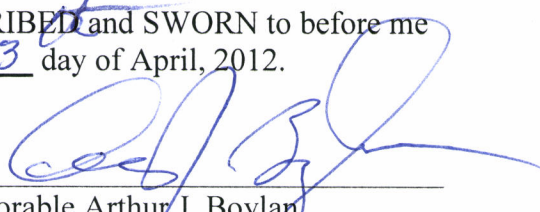
18. Therefore, your Affiant believes that RYAN THOMAS SANDOVAL has committed multiple acts of lying and buying, namely knowingly making false and fictitious written statements to licensed firearms dealers, which statements were intended and likely to deceive each dealer, as to a fact material to the lawfulness of such acquisition of the said firearm to SANDOVAL, in that during each purchase SANDOVAL did execute a Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms Form 4473, Firearms Transaction Record, to the effect that SANDOVAL was the actual buyer of the firearms indicated on the Form 4473,

when in fact as SANDOVAL then knew, he was not the actual buyer of the firearms, in violation of Title 18, United States Code, §§ 922(a)(6) and 924(a)(2).

Further your affiant sayeth not.


ATF Special Agent David F. Carriker

SUBSCRIBED and SWORN to before me
this 13th day of April, 2012.


The Honorable Arthur J. Boylan
Chief United States Magistrate Judge